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April 18, 2002

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The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 – 12<sup>th</sup> Street, S.W. Room 8-B201  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Delay of Auction Nos. 31 and 44 Scheduled for June 19, 2002  
WT Docket No. 99-168, GN Docket No. 01-74

Dear Mr. Chairman:

Cingular Wireless LLC ("Cingular") submits this letter in support of recent requests by Southern Communications Services, Inc. d/b/a Southern LINC and the Private Wireless Coalition ("Coalition"), filed April 15, 2002 and April 16, 2002, respectively, to delay the above referenced 700 MHz auctions which are scheduled to commence June 19, 2002.

Cingular agrees that it is in the public interest to postpone the auctions. Southern LINC and the Coalition both highlight that the 700 MHz band could play a very important role in eliminating interference to public safety systems in the 800 MHz band. As reported in the trade press, Cingular has been working with incumbent 800 MHz licensees to develop a workable proposal that would satisfy the Commission's goal of eliminating interference to public safety in that band<sup>1</sup>. At the core of this proposal, public safety would be relocated from the 800 MHz band to the 700 MHz band; the spectrum currently allocated to commercial use would be set aside for public safety. Thus, interference to public safety would be eliminated for the foreseeable future. Cingular believes that no other 800 MHz re-banding proposal will solve interference to public safety.

Cingular acknowledges that any relocation of public safety to the 700 MHz band designated for commercial use will require legislative action. However, given the complimentary goals of mitigating interference to public safety and providing for Homeland Security needs, going forward with the auction on the scheduled date would prematurely foreclose this proposal from consideration. A delay in the auction would allow this proposal to be discussed thoroughly with Congress and the Administration

<sup>1</sup> See *Improving Public Safety Communications in the 800 MHz Band*, WT Docket No. 02-55, *Notice of Proposed Rulemaking*, FCC 02-81 (rel. Mar. 15, 2002) ("Public Safety Notice").

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which could result in action being taken that would be in the best interest of public safety and Homeland Security in the long run. Proceeding with the auction would do the exact opposite, closing the door to this unique opportunity.

Sincerely,



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(202) 736-3216

Cc: Commissioner Kathleen Q. Abernathy  
Commissioner Kevin J. Martin  
Commissioner Michael J. Copps  
Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau  
Edmond J. Thomas, Chief, Office of Engineering and Technology